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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,035	10/30/2003	Akira Muroi	SWA-0001	6030

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WASHINGTON, DC 20036

EXAMINER

DUNWOODY, AARON M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/696,035	Applicant(s) MUROI ET AL.	
	Examiner Aaron M Dunwoody	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is FINAL.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

No Information Disclosure Statement submitted.

### ***Drawings***

Figure 7 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claims 1 and 6-8 are objected to because of the following informalities:

In regards to claim 1, change from "on the side of the inner circumference" to "on a side of an inner circumference" to properly introduce elements.

Regarding claims 6 and 8, the phrase "nonlinear-like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those

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encompassed by "nonlinear-like"), thereby rendering the scope of the claim(s) unascertainable.

Regarding claim 7, the phrase "linear-like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "linear-like"), thereby rendering the scope of the claim(s) unascertainable.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 9 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent 6631928, Sakata.

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In regards to claim 1, Sakata discloses a pipe joint comprising a hollow cylindrical joint body (32) made of elastic material *such as* (not part of the claimed invention) *heat-resistant rubber with a prescribed a hollow cylindrical joint body made length and a circular flange for connecting piping attached to the both ends of the joint body*, wherein on the side of the inner circumference of the joint body is provided a bellows metal pipe (31) closely contacted with the joint body, and the thickness of the joint body is at least larger than the size of the summit or the trough of bellows of the metal pipe.

In regards to claim 2, Sakata discloses bellows of the bellows metal pipe being formed in the direction of the pipe's axis at regular intervals in the circular form.

In regards to claim 9, Sakata discloses a stopper member (27) for maintaining capacity to resist pressure being attached to the two flanges connecting one flange to another therewith.

In regards to claim 10, Sakata discloses the stopper member comprising a through bolt and a nut.

Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent 6681808, Takaara.

In regards to claim 1, Takaara discloses a pipe joint comprising a hollow cylindrical joint body (32, 42, 52) made of elastic material *such as* (not part of the claimed invention) *heat-resistant rubber with a prescribed a hollow cylindrical joint body made length and a circular flange for connecting piping attached to the both ends of the joint body*, wherein on the side of the inner circumference of the joint body is provided a

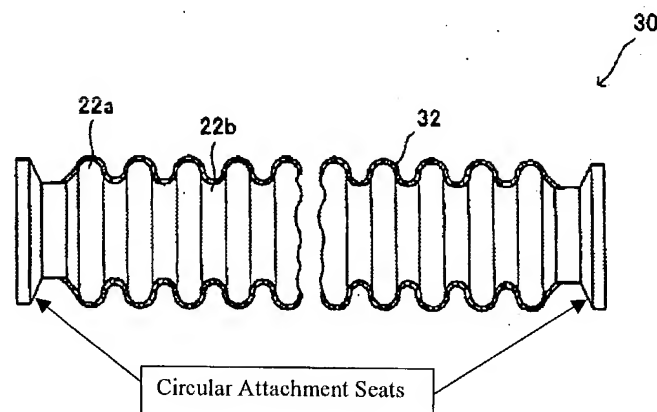
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bellows metal pipe (22) closely contacted with the joint body, and the thickness of the joint body is at least larger than the size of the summit or the trough of bellows of the metal pipe.

In regards to claim 2, Takaara discloses bellows of the bellows metal pipe being formed in the direction of the pipe's axis at regular intervals in the circular form.

In regards to claim 3, in Figure 4A below, Takaara discloses each of both ends of the metal pipe being provided a circular attachment seat with its section being L-shaped and the attachment seat being engaged with and attached to the surface of the outer side and the inner circumferential surface.

Fig 4A



In regards to claim 4, Takaara discloses the attachment seat comprising a small cylindrical pipe and a circular plate fixed by welding to a tip of the open side of the small cylindrical pipe and the circular plate being contacted with the surface of the outer side of the flange while the small cylindrical pipe is fixed and attached to the inner circumferential surface of the flange.

Note, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, the circular plate fixed by welding to a tip of the open side of the small cylindrical pipe limitation has not been given little patentable weight.

In regards to claim 5, Takaara discloses each of both ends of the metal pipe comprising a flat section and the flat section covering all over the inner circumferential surface of the small cylindrical pipe.

In regards to claim 6, Takaara discloses the outer one convex section making a nonlinear surface.

In regards to claim 7, Takaara discloses the outer circumferential surface of the joint body being formed with a plurality of convex sections and concave sections making a nonlinear surface, and each of the convex sections and concave sections being positioned corresponding to the summit or the trough of bellows of the metal pipe respectively.

In regards to claim 8, Takaara discloses the outer circumferential surface of the joint body does not have a convex section or a concave section making a linear surface.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because it illustrates the inventive concept of the invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is 703-306-3436. The examiner can normally be reached on 7:30 am - 4:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P Stodola can be reached on 703-306-5771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**Aaron Dunwoody**  
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**Technology Center 3670**